

Regular Session, 2006

HOUSE BILL NO. 744

BY REPRESENTATIVE BRUNEAU

PARKS: Relative to New Orleans City Park, provides that the New Orleans City Park Improvement Association and its board of commissioners shall be policy-making agencies within the Department of Culture, Recreation and Tourism, provides for certain other specified powers, and makes the department secretary a board member

1 AN ACT

2 To amend and reenact Section 1 of Act No. 130 of the 1896 Regular Session of the
3 Legislature and R.S. 36:209(O) and to enact R.S. 36:802.21, relative to New Orleans
4 City Park; to provide for the powers, duties, functions, and responsibilities of the
5 New Orleans City Park Improvement Association and its board of commissioners
6 and the powers, duties, functions, and responsibilities of the Department of Culture,
7 Recreation and Tourism and its officers and offices with respect to the park and the
8 association and its board of commissioners; to provide that the association and its
9 board shall be policymaking agencies; to provide for certain other powers of the
10 board; to provide that the secretary of the Department of Culture, Recreation and
11 Tourism shall be a member of the board; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Section 1 of Act No. 130 of the 1896 Regular Session of the Legislature
14 is hereby amended and reenacted to read as follows:

15 Section 1. Be it enacted by the General Assembly of the State of Louisiana,

16 That:

17 (A) the ~~The~~ park in the City of New Orleans known as the "New Orleans City
18 Park" be and is hereby placed under control and management of the "New Orleans

1 City Park Improvement Association" incorporated under the laws of the State, by an
2 act before Felix J. Dreyfous, Notary Public, on the 13th day of August, 1891.

3 (B) The secretary of the Department of Culture, Recreation and Tourism
4 shall be a member of the board of commissioners of the New Orleans City Park
5 Improvement Association.

6 * * *

7 Section 2. R.S. 36:209(O) is hereby amended and reenacted and R.S. 36:802.21 is
8 hereby enacted to read as follows:

9 §209. Transfer of boards, commissions, departments, and agencies to Department
10 of Culture, Recreation and Tourism

11 * * *

12 O. The New Orleans City Park Improvement Association and its board of
13 commissioners (Act No. 130 of 1896; Act No. 104 of 1934; Act No. 492 of 1958;
14 Act No. 405 of 1962; Act No. 865 of 1982; Act No. 569 of 1989; Act No. 13 of 1998
15 First Extraordinary Session) is transferred to the Department of Culture, Recreation
16 and Tourism and shall exercise and perform its powers, duties, functions, and
17 responsibilities as provided for agencies transferred in accordance with the
18 provisions of R.S. ~~36:801.1~~ 36:802.21.

19 * * *

20 §802.21. Transfer; New Orleans City Park Improvement Association and its board
21 of commissioners

22 A. The New Orleans City Park Improvement Association and its board of
23 commissioners, transferred by the provisions of R.S. 36:209(O), are transferred to
24 and placed within the Department of Culture, Recreation and Tourism and shall
25 exercise and perform their powers, duties, functions, and responsibilities as provided
26 for agencies transferred as provided in R.S. 36:802, except as provided in this
27 Section.

1 B. Notwithstanding any provision of law to the contrary, the board of
2 commissioners of the New Orleans City Park Improvement Association, referred to
3 in this Section as the "board", shall:

4 (1) Continue to appoint the general manager and the assistant general
5 manager of the park.

6 (2) Make an annual report to the legislature as provided in Section 7 of Act
7 No. 865 of the 1982 Regular Session of the Legislature.

8 C. Notwithstanding any provision of law to the contrary, the board may
9 solicit and accept gifts and donations for the purposes of New Orleans City Park.

10 D. All funds accepted or received by or appropriated or allocated to or for
11 New Orleans City Park or the New Orleans City Park Improvement Association or
12 its board of commissioners may be expended by the department for the benefit of
13 New Orleans City Park in accordance with the policies and the master plan adopted
14 by the board, all as otherwise provided by law including Section 8 of Act. No. 865
15 of the 1982 Regular Session of the Legislature, as amended.

16 Section 3. This Act shall become effective on July 1, 2006; if vetoed by the governor
17 and subsequently approved by the legislature, this Act shall become effective on July 1,
18 2006, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Bruneau

HB No. 744

Abstract: Places the New Orleans City Park Improvement Association and its board of commissioners in the Department of Culture, Recreation and Tourism (DCRT) as policymaking agencies. Provides for certain specified powers and duties for the board. Makes the secretary of DCRT a member of the board of commissioners.

Present law (Act No. 130 of 1896 R.S., §1) provides that New Orleans City Park is placed under control and management of the "New Orleans City Park Improvement Association" incorporated under the laws of the state, by an act before Felix J. Dreyfous, Notary Public, on the 13th day of August 1891.

Proposed law retains present law and provides that the DCRT secretary shall be a member of the board of commissioners of the New Orleans City Park Improvement Association.

Present law (Executive Reorganization Act) places the New Orleans City Park Improvement Association and its board of commissioners in DCRT as independent agencies with full authority to carry out all of the powers, duties, functions, and responsibilities granted to them by law independently of the department and its secretary, undersecretary for the office of management and finance, and all other department officers pursuant to present law (R.S. 36:801.1).

Proposed law (R.S. 36:802.21) instead places the New Orleans City Park Improvement Association and its board of commissioners in the department as policymaking agencies pursuant to present law (R.S. 36:802), except it specifically provides for certain powers and responsibilities for the association and its board. Provides that the board shall:

- (1) Continue to appoint the park's general manager and the assistant general manager.
- (2) Make an annual report to the legislature (as provided in present law (Act No. 865 of 1982 R.S., §7).

Proposed law also authorizes the board to solicit and accept gifts and donations for the purposes of New Orleans City Park. Provides that any funds accepted or received by or appropriated or allocated to or for New Orleans City Park or the New Orleans City Park Improvement Association or its board of commissioners may be expended by the department for the benefit of New Orleans City Park in accordance with the policies and the master plan adopted by the board, as provided by law, including provisions relative to City Park (Act No. 865 of 1982 R.S., §8) which permits the expenditure of funds received by the park, the association, or its board without appropriation or deposit in the state treasury.

Present law (R.S. 36:802 - Executive Reorganization Act), relative to policymaking agencies, provides that such agencies shall continue to be composed and selected as provided by law and that they shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and their advisory powers, duties, functions, and responsibilities. Provides that they do so independently of the secretary and any assistant secretary, except that:

- (1) The department secretary shall exercise all powers, duties, functions, and responsibilities necessary for the administration and implementation of the agencies' policies, rules, and decisions, including the employing, appointing, removing, and promoting of necessary personnel, except that for an agency placed by the secretary within an office, the assistant secretary of the office, under the direct supervision and control of the secretary, shall exercise such powers, duties, functions, and responsibilities.
- (2) The department undersecretary of the office of management and finance shall, under the supervision and control of the secretary, perform and administer those functions which he is required to perform and administer (accounting and budget control, procurement and contract management, data processing, management and program analysis, personnel management, and grants management).

Effective July 1, 2006.

(Amends Act No. 130 of 1896 R.S., §1 and R.S. 36:209(O); Adds R.S. 36:802.21)